

U.S. Patent Application Serial No. 10/620,549
Reply to Office Action mailed September 20, 2005

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Remarks:

Applicant has read and considered the Office Action dated September 20, 2005 and the references cited therein. Claims 1, 2, and 4-11 are pending. Claims 3 and 12 have been cancelled without prejudice or disclaimer. Claims 1, 2, and 4-11 have been amended to correct formal matters and to better conform to U.S. practice. No new matter has been added. Applicant respectfully requests reconsideration and allowance of claims 1, 2, and 4-11.

Claim Election

In response to the Restriction Requirement made in the Office Action of September 20, 2005, Applicant confirms election of claims 1-11 without traverse. Claim 12 has been cancelled without prejudice or disclaimer. Applicant reserves the right to pursue claim 12 in a divisional application.

Claim Amendments

Claims 1-11 have been amended to correct formal matters and to better conform to U.S. practice. In particular, claims 8-11 have been amended to recite product claims instead of product-by-process claims. The Examiner's comments regarding germane claim language have also been considered and appropriate correction has been made. Claim 5 has also been amended to correct a typographical error, thereby removing the inherency from the claim.

Claim Rejections

Claims 1-11 have been rejected under 35 U.S.C. 112, first paragraph for failing to comply with the written description requirement and under 35 U.S.C. 112, second paragraph for being indefinite. Applicant respectfully traverses the rejections.

A person skilled in the art would know how to measure and create patterns or sampling of two-dimensional pressure distribution without needing to resort to a specific method described in the patent. Such a person would have knowledge of existing devices and methods for producing

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such patterns or sampling. Examples of such devices can be found on Internet web sites, e.g., at www.pressuremapping.com, www.novel.de, and www.figroup.com.

Furthermore, as can be seen from the above noted websites, a person skilled in the art would be readily familiar with the terms "pressure-distribution pattern" and "two-dimensional sampling." Applicant respectfully submits that the rejection is overcome and request withdrawal of the rejection.

Claims 4-5 and 9-11 have been rejected under 35 U.S.C. 112, second paragraph, for improper antecedent basis. Applicant submits that appropriate correction has been made and request withdrawal of the rejection.

Claims 1 and 4-11 have been rejected under 35 U.S.C. 102(b) as being anticipated by US 4,960,749 to Miura et al. Applicant respectfully traverses the rejection.

Claim 1 recites, in part, an identification device for individualizing identification of a personal item to be worn on a body of a person. The identification device includes a printout of an image of a pressure-distribution pattern obtained by at least one at least two-dimensional sampling of a pressure distribution between a part of the body of a person and a substantially solid object. The printout is attachable to the personal item. Different high pressures are represented on the at least two-dimensional sampling by differently colored and shaded area elements.

In contrast, Miura discloses a method of making a colored pattern, such as a fingerprint, without soiling the original pattern. For example, a fingerprint of a user can be obtained without leaving ink on the finger of the user. Miura does not disclose or suggest a printout of an image of a pressure distribution pattern. An image, such as a fingerprint, is not a pressure-distribution pattern. The pattern of a fingerprint does not depend on the force and pressure by which the finger is pressed on the printable surface. For example, a fingerprint taken from a fragile wine glass will have the identical pattern as a fingerprint later taken from a suspect whose finger is forcibly pressed to a printing surface.

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Furthermore, Miura does not disclose or suggest the use of different color or shading of area elements. In fact, the use of different color and shading would typically alter or even destroy the content information of a fingerprint.

For at least these reasons, Miura does not anticipate claim 1. Claims 2-11 depend from claim 1 and are allowable for at least the same reasons. Applicant respectfully requests reconsideration and allowance of claims 1-11.

Claims 1 and 4-11 have been rejected under 35 U.S.C. 102(b) as being anticipated by US 5,454,600 to Floyd. Applicant respectfully traverses the rejection.

Floyd discloses a label with a fingerprint receiving space. A user marks the space with a fingerprint of the user to personalize the label. Floyd, therefore, does not anticipate claim 1 for at least the same reasons as discussed above with respect to Miura. Claims 2-11 depend from claim 1 and are allowable for at least the same reasons.

Claims 2 and 3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Miura. Claim 3 has been canceled without prejudice or disclaimer. Regarding claim 2, Applicant respectfully traverses the rejection.

Claim 2 depends from claim 1 and is allowable over Miura for at least the same reasons as discussed above with respect to claim 1. In addition, Applicant respectfully points out that Miura teaches away from the idea of using different colors and shading within a single fingerprint pattern. As noted above, such color variation often distorts or destroys the information conveyed in the fingerprint pattern.

For at least these reasons, Miura does not anticipate claim 2.

Claims 2 and 3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Floyd. Claim 3 has been canceled without prejudice or disclaimer. Regarding claim 2, Applicant respectfully traverses the rejection.

Claim 2 depends from claim 1 and is allowable over Floyd for at least the same reasons as discussed above with respect to claim 1. For at least these reasons, Floyd does not anticipate claim 2.

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Applicant asserts that the claims patentably distinguish over the prior art and are in condition for allowance. A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

12/20/05

By: _____

Gregory A. Sebold
Reg. No. 33,280
JKS/GAS/km